

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BURKE REALTY COMPANY, INC.

COMPLAINANT

v.

KENTUCKY TURNPIKE WATER DISTRICT

DEFENDANT

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) CASE NO. 97-323
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O R D E R


On July 22, 1997, a formal complaint was filed with the Public Service Commission which named Kentucky Turnpike Water District ("Kentucky Turnpike") and its Board of Commissioners as defendants. As it is the duty of a water district's board of commissioners to control and manage the affairs of the district, and the matters about which the complaint is concerned were actions taken by Kentucky Turnpike based on decisions made by its commissioners in that official capacity, and the relief sought by the Complainant is in fact against Kentucky Turnpike and not its commissioners in any individual capacity, Kentucky Turnpike is clearly the proper defendant in this proceeding. The Commission shall treat the complaint accordingly.

Pursuant to 807 KAR 5:001, Section 12, Kentucky Turnpike is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

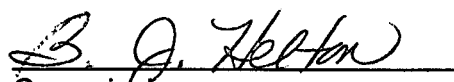
Should documents of any kind be filed with the Commission during the course of this proceeding, the documents shall also be served on all other parties of record.

Done at Frankfort, Kentucky, this 6th day of August, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director